THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

AND

THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL No.532 OF 2000

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Dt: 02.08.2005

Between:

Y.Venkateswarlu … APPELLANT

AND

The Executive Officer, Tirumala Tirupathi

Devasthanams & others … RESPONDENTS

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THE HON'BLE SMT.JUSTICE T.MEENA KUMARI

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THE HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.532 OF 2000

JUDGMENT: (per the Hon'ble Smt.Justice T.Meena Kumari)

The present Writ Appeal is filed by the appellant-writ petitioner aggrieved by the Order, dated 25.01.2000, in Writ Petition No.13838 of 1993 passed by a learned single Judge of this Court.

The said Writ Petition was filed assailing the selection and appointment of the fifth

respondent as Harikatha Artiste Grade-II.

It is the case of the writ petitioner that the respondent-TTD in November, 1991 advertised *inter alia* for the post of Harikatha Artist Grade-II prescribing two qualifications 1) Diploma in Harikatha and 2) 10 years experience in the Art. Pursuant to the same, the writ petitioner as well as the fifth respondent have applied for the said post and by Orders dated 03.12.1992, the fifth respondent has been appointed as Harikatha Artiste Grade-II by the respondent-TTD.

The learned single Judge of this Court while dismissing the Writ Petition observed as follows:

> "In the counter affidavit it is stated that though the petitioner did not come up for selection vis-à-vis 5th respondent, the Selection Committee had however suggested to the management to create another post in "Annamacharya" for the purpose of accommodating the petitioner. If the recommendation of the Selection Committee could be accommodated by the T.T.,D., the T.T.D shall consider creating such a post for accommodating the petitioner as the petitioner does appear to be an artiste of qualitative caliber".

Aggrieved by the same, the present Writ Appeal has been preferred.

A perusal of the material papers goes to show that proceedings were issued on 06.11.2004 temporarily appointing the writ petitioner on contract basis to render Harikatha at the time of Sri P.A.T.Tiruchanoor Karthika Brahmotsavams, which were held between 08.11.2004 to 17.11.2004.

According to the learned counsel for the appellant as on today the appellant has not been appointed though in the light of the observations of the learned single Judge, he is entitled to be appointed as Harikatha artist.

We see some force in the contention raised by the learned counsel for the appellant and we have to observe that a Writ of Mandamus cannot be issued to the respondent-TTD to appoint the appellant as Harikatha Artist. But, however, we modify the Order of the learned single Judge to the effect that the case of the appellant should be considered for immediate next vacancy that would arise on permanent basis. Till such time, he shall be accommodated on contract basis whenever there is a need.

With the above modification, the Writ Appeal is disposed of. No order as to costs.

(T.MEENA KUMARI, J)

(P.LAKSHMANA REDDY, J)

Dt: 02.08.2005

bsv/lvl